

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAYMOND A. BUTLER, JR.,

Defendant.

8:01CR81

ORDER

Defendant Raymond A. Butler, Jr. (Butler) appeared before the court on January 12, 2015, on the Amended Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 141). Butler was represented by Assistant Federal Public Defender Jeffrey L. Thomas and the United States was represented by Assistant U.S. Attorney Michael P. Norris. Through his counsel, Butler waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and Butler should be held to answer for a final dispositional hearing before Senior Judge Joseph F. Bataillon.

The government moved for detention. Butler presented no evidence nor requested a detention hearing. Since it is Butler's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Butler has failed to carry his burden and that Butler should be detained pending a dispositional hearing before Senior Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Senior Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 11:30 a.m. on February 13, 2015**. Defendant must be present in person.
2. Defendant Raymond A. Butler is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;
3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and
4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 12th day of January, 2015.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge